

### **REMARKS**

In response to the Official Action of July 17, 2008, claims 1, 16, and 17 have been amended in a manner which is believed to overcome the claim rejections as discussed more fully below. Support for the claim amendment is found in the original application as filed, including paragraphs [0056], [0096], [0097], [0108], and [0109] of the published application. Newly submitted claim 23 corresponds to claim 17, but written using means plus function terminology. No new matter is added. Thus, claims 1-7, 16, 17, and 21-23 are currently pending.

#### **Claim Rejections - 35 USC §101**

At section 6, claim 16 is rejected under 35 USC §101 as directed to non-statutory subject matter wherein the Office suggests amendment which would overcome said rejection. The suggested amendment has been made to claim 16 and therefore it is respectfully submitted that claim 16 recites statutory subject matter.

#### **Claim Rejections - 35 USC §102**

At section 8, claims 1-7, 16, 17, 21, and 22 are rejected under 35 USC §102(e) as anticipated in view of US patent application publication 2004/0242209, Kruis, et al (hereinafter Kruis).

With respect to claim 1, the Office asserts that Kruis discloses the recited method with specific reference to paragraphs [0082], [0043], and [0085], as well as Figure 6 of Kruis. Applicant notes that the last recited action concerning claim 1 reads in pertinent part “a command for instructing said other device to identify...”, whereas the Office presents this last recited action as “a command for instructing a second device to identify...” (emphasis added). Thus, it is respectfully submitted that the Office has not properly presented this portion of the claim.

As a result, the Office asserts that paragraph [0082], lines 8-20 of Kruis teaches this last recited action of claim 1. This portion of Kruis relates to an external service

provider and providing information thereto. Amended claim 1 does not give any reason to consider such an external service provider.

Furthermore, claim 1 has been amended to particularly point out and claim that the action of applying information received by said user terminal device is the same information that the user terminal device had generated a request for retrieving. Thus, claim 1 recites "applying said retrieved information received by said user terminal...". This makes clear that the information for which a request has been generated by a user terminal device is the same information that the user device receives and that the information is received from the same "another device". This amendment specifically addresses section 5 of the Action wherein the Office posited that the "information to configure" at line 5 of claim 1 was not tied to the "information" of line 2 thereof. As amended, the tying between this information is now established which supports applicant's previous argument for showing non-anticipation by Kruis as set forth in applicant's response of April 21, 2008, specifically that Kruis does not teach a user terminal device sends a request to the other device which then returns information concerning one or more applications back to the user terminal device.

Consequently, applicant's previous argument is now applicable for showing non-anticipation by Kruis; namely, that the embodiment shown in Figure 7 of Kruis is directed to a mobile device that sends a provisioning request to a provisioning authority (Kruis, paragraph [0082]) and then the provisioning authority sends a validation request to a second service provider (Kruis, paragraph [0085]). In the present invention as claimed, the user terminal device (that is the mobile terminal) sends a request to the other device (the service provider) and then returns information concerning one or more applications back to the user device. Therefore, this feature of claim 1 is not anticipated by Kruis.

Furthermore, claim 1 has been amended to make clear that the action of transmitting said generated request to said other device is specified by a predefined address information thereof (see paragraph [0056] of the published application for

support). With this amendment to claim 1, it is clear that the other device, which returns the information about the at least one data store, is already known to the user terminal device.

Kruis however suggests and teaches the use of a provisioning authority. The present invention discloses that the user terminal device knows the identity of the "other device"; in particular, the address of the other device. This implies that the way the method accesses the other device is by knowledge of the user terminal device.

Kruis does not know the location/address of the serving device where the data which is sought can be located. Kruis discloses informing a user device about basic information, including where the serving device is located and how the service provided by the service device can be activated. According to Kruis, the information of use of the service is delivered to the user terminal device after the service has been activated. For example, Figure 3, steps 326 and 328 of Kruis and corresponding paragraph [0053] state:

"If the mobile device requires any further information in order to make use of an approved service for which it has been registered, then such information is preferably included in the provisioning response."

Furthermore, as set forth in paragraphs [0040] and [0041] of Kruis, it is clear that Kruis is directed toward enabling the device to actually use the telecommunication network services. In particular, paragraph [0041] in pertinent part states:

"...the provisioning application 12 may be invoked by a user to **initially activate** the mobile device 14 on a communication network 18. An **initial provisioning** (activation) request 15 is sent from the mobile device 14 to the provisioning authority 22 with which the provisioning application 12 is designed to operate. For the purpose of illustration, the service or carrier service, provided by a network operator or carrier which owns or operate the service provider system 28a, **external** to the provisioning authority" (emphasis added).

From this passage, it is clear that Kruis does not disclose the subject matter of amended claim 1, wherein the “other device” returns the information about the at least one data store.

Furthermore, applicant respectfully repeats the previous argument presented in applicant’s response of April 21, 2008 that Kruis is silent about a content type as defined in the present application. Kruis lacks a literal mention of different content types of data which can be used or which cannot be used by a particular application. The content type of data is of particular relevance. Thus, in paragraphs [0108] and [0109] of the present published application, a data synchronization between the “requesting device” (corresponding to the “user terminal device” as set forth in claim 1) and the “data serving device” (corresponding to the “the other device” of claim 1) is described. Such data synchronization regarding the data applicable with a specific application can only be successfully operated with knowledge of the content type. This conclusion is also indicated in paragraph [0003] of the present application which states:

“The synchronization of data is a well-known concept or technique for users, respectively, having at least two different electronic devices in use and processing the same kind of data with these electronic devices.”

Kruis only generally refers to services and specifically is directed to a method by which a user can activate a mobile device without a complicated or time-consuming activation scheme (Kruis, paragraph [0008]).

It is therefore respectfully submitted that the concept of a content type as set forth in amended claim 1 is not disclosed or suggested by Kruis.

Furthermore, claim 1 has been amended to recite “wherein said information comprises address information of said at least one data store relative to said predetermined address information of said other device” and “wherein data of said at least one content type is provided at said user terminal device”.

The “exact physical” address information is a string necessary for enabling synchronization of data. As set forth in amended claim 1, the predefined address

information of the "other device" by being predefined is therefore known. However, the relative local source address (see paragraphs [0096] and [0097] of the present application as published) is retrieved from the other device.

Furthermore, the synchronization process as defined in paragraphs [0108] and [0109] of the present application implies that the data of the same content type is present at both devices synchronizing with each other; otherwise, synchronization of data would not make sense.

It is respectfully submitted that these amended features to claim 1 are not anticipated or suggested by Kruis. Furthermore, the teaching of Kruis is silent about such considerations and therefore a person of ordinary skill in the art would not refer to Kruis and its associated technology of initially enabling the activation of a mobile terminal, when looking for a solution with respect to discovering or locating data of a content type at an other device which is specifically set forth in amended claim 1.

For all of the foregoing reasons, it is respectfully submitted that amended claim 1 is not anticipated or suggested by Kruis.

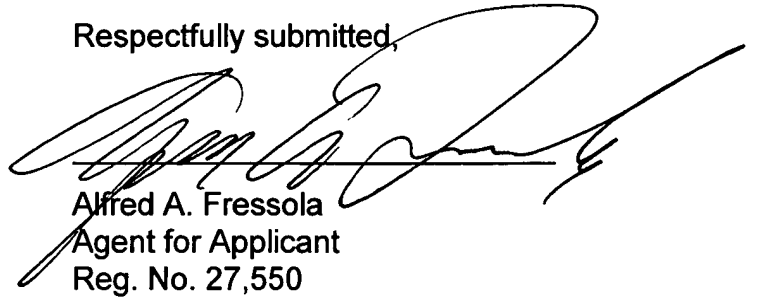
Independent computer readable medium claim 16 and independent user device claim 17 have been amended in a manner similar to claim 1 and, for similar reasons, each of these claims are also believed to be allowable.

Furthermore, newly submitted claim 23 corresponds to amended claim 17, but written using means plus function terminology. For similar reasons as those presented above with respect to claim 1, claim 23 is also believed to be allowable.

Since each of the independent claims of the present application are believed to be allowable, it is respectfully submitted that dependent claims 2-7, 21, and 22 are also allowable at least in view of such dependency.

It is therefore respectfully submitted that the present application as amended is therefore in condition for allowance and such action is earnestly solicited.

Respectfully submitted,



Alfred A. Fressola  
Agent for Applicant  
Reg. No. 27,550

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WARE, FRESSOLA, VAN DER SLUYS  
& ADOLPHSON LLP  
Bradford Green, Building Five  
755 Main Street, P.O. Box 224  
Monroe, CT 06468  
Telephone: (203) 261-1234  
Facsimile: (203) 261-5676  
USPTO Customer No. 004955